

## REMARKS

Claims remaining in the present application are Claims 1-3 and 5-21. Claim 1, 9, and 13 have been amended. No new matter has been added as a result of these amendments.

## CLAIM REJECTIONS

### 35 U.S.C. §103

Claims 1-3 and 5-8 are rejected under 35 U.S.C. §103(a) as being anticipated by Ottesen et al. U.S. Patent No. 6,208,804 (hereinafter, Ottesen) further in view of Glasser et al. U.S. Patent No. 5,764,890 (hereinafter, Glasser). The Applicant has reviewed the cited references and respectfully submits that the embodiments of the Applicant's invention as recited in Claims 1-3 and 5-8 are neither taught nor suggested by Ottesen in view of Glasser.

The Examiner is directed to currently Amended Claim 1, which recites in part:

said communication layer transferring all of said packets as a single group to a processing layer of code coupled to said first device, wherein said processing code and said communication code are independent from each other, and wherein said processing layer of code performs authentication and also determines compliance with a copy protection scheme;

Claims 2, 3, and 5-8 depend from independent Claim 1 and add further limitations to the claimed invention.

The Applicant respectfully asserts that Ottesen fails to teach or suggest a processing layer of code performing authentication and determining compliance with a copy protection scheme, as recited in the Claim 1 of the present invention. Ottesen teaches verifying a subscriber's account status for billing purposes and then granting authorization rights based on a billing server coupled to a controller of a multi-media server; see, e.g., col. 13 lines 10-20 of Ottesen. However, relying on an outside server to perform billing account verification is not the same as a processing layer of code performing its own authentication, as recited in the present invention. Further still, relying on an outside server for a billing account verification is not the same a processing layer of code determining compliance with a copy protection scheme, as is also recited in Claim 1 of the present invention. The Applicant submits that Ottesen is silent with regard to a processing layer of code performing authentication, and further, is also silent with regard to a processing layer of code determining compliance with a copy protection scheme. Consequently, the Ottesen reference does not anticipate or render obvious the embodiments of the Applicant's invention as recited in Claim 1.

Regarding the cited combination, Glasser does not cure the deficiencies of Ottesen noted above. Glasser teaches various means of authentication of devices on a network, however, nowhere does Glasser teach a separate processing layer of code for performing authentication. Further still, Glasser is silent regarding copy protection schemes, and therefore does not teach or suggest a processing

layer of code for determining compliance with a copy protection scheme.

Consequently, the Glasser reference does not anticipate or render obvious the embodiments of the Applicant's invention as recited in Claim 1.

Therefore, Applicant respectfully submits that the combination of Ottesen and Glasser fails to anticipate or render obvious the Applicant's invention as is set forth in Claim 1, and as such, Claim 1 overcomes the rejection under 35 U.S.C. 103(a), and Applicant submits this claim is in condition for allowance.

Accordingly, the Applicant also respectfully submits that the combination of Ottesen and Glasser does not anticipate or render obvious the embodiments of the claimed invention as recited in Claims 2, 3, and 5-8, dependent on Claim 1, and that Claims 2, 3, and 5-8 overcome the rejection under 35 U.S.C. 103(a) through dependency on an allowable base claim.

Claims 9-21 are rejected under 35 U.S.C. §103(a) as being anticipated by Ottesen in view of Glasser further in view of Fawcett et al. U.S. Patent No. 5,678,002 (hereinafter, Fawcett). The Applicant has reviewed the cited references and respectfully submits that the embodiments of the Applicant's invention as recited in Claims 9-21 are neither taught nor suggested by the combination of Ottesen and Glasser further in view of Fawcett.

The Examiner is respectfully directed to independent Claim 9, which recites in part:

said communication layer transferring a response to a processing layer of code coupled to said first device, wherein said communication layer of code and said processing layer of code are independent from each other, wherein said processing layer performs authentication and determines said second device's compliance with a copy protection scheme, and wherein fragmentation of said packets is transparent to said processing layer.

Claim 13 contains a similar limitation and was rejected with the same rationale.

Claims 10 - 12 depend from independent Claim 9 and recite further limitations to the claimed invention. Claims 14-21 depend from independent Claim 13 and recite further limitations to the claimed invention.

The Applicant submits, as described above in conjunction with Claim 1, that the combination of Ottesen and Glasser does not teach a processing layer that performs authentication and also determines a second device's compliance with a copy protection scheme, as recited in the claimed embodiment of the present invention. With respect to the cited combination, the Applicant respectfully submits that Fawcett does not cure the deficiencies of Ottesen and Glasser noted above.

Fawcett discusses layers of code, such as a communications layer and an application layer; see, e.g., Figure 3 of Fawcett. Fawcett also discusses exchanging of login, password, and Internet Protocol address information to perform authentication, see, e.g., Col 5 lines 22 - 35 of Fawcett. However, nothing in this authentication procedure mentions the involvement of a

processing layer of code. Instead, Fawcett teaches away from the present invention as claimed, by describing a PSS security mechanism (see col. 5 line 22), which appears to be accomplished independently of the processing (application) layer of code. For example, the support client (SC) and support agent (SA) authentication information, which are used during a request for login, appear to be maintained and executed entirely within the communications layer, instead of in the processing layer as taught in the present invention; see, e.g., col. 5 lines 36 - 61, Figure 5A, and items 52 and 54 in Figure 3. Additionally, the entire Fawcett reference is silent with respect to a processing layer of code determining compliance with a copy protection scheme. Consequently, the Fawcett reference does not anticipate or render obvious the embodiments of the present invention as recited in Claims 9 and 13.

Therefore, the Applicant respectfully submits that the combination of Ottesen and Glasser further in view of Fawcett fails to anticipate or render obvious the Applicant's invention as is set forth in Claims 9 and 13, and as such, Claims 9 and 13 overcome the rejection under 35 U.S.C. 103(a), and Applicant submits these claims are in condition for allowance. Accordingly, the Applicant also respectfully submits that the combination of Ottesen and Glasser in further view of Fawcett does not anticipate or render obvious the embodiments of the claimed invention as recited in Claims 10-12 dependent on Claim 9, or Claims 14 - 21 dependent on Claim 13, and that Claims 10-12 and 14-21 overcome the rejection under 35 U.S.C. 103(a) through dependency allowable base claims.

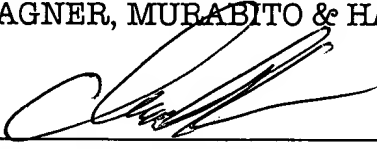
SUMMARY

In view of the foregoing remarks, the Applicant respectfully submits that the pending claims in the instant patent application are in condition for allowance. The Applicant respectfully requests reconsideration of the Application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact the Applicant's designated representative at the below listed phone number.

Respectfully submitted,  
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Dated: 7/27, 2005

  
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